

**SUMMARY OF MINUTES**  
**ESHB 1397 RULE ADVISORY COMMITTEE**  
**August 16, 2005**

**Attendance**

Advisory Committee: Brett Rude, Bob Saunders, John Raymond (Department of Ecology); Dennis McLerran (Puget Sound Clean Air Agency); William Wright, Thalia Brown, Dale Brown (Department of Licensing); Steve Douglas (Alliance of Auto Manufacturers); Bryan Imai (WA Auto Dealers Assn.); John Creedon (SW WA Auto Dealers Assn.); Bob Bridge (Puget Sound Auto Dealers Assn.); Chris Marr (Spokane Auto Dealer); K.C. Golden (Climate Solutions); Carrie Nyssen (American Lung Assn.-WA); Robert Pregulman (WASHPIRG); Janet Ray (AAA Washington).

Absent: John Cabaniss (Assn. of International Auto Manufacturers) and Theresa Gamble (WA State Independent Auto Dealers Assn.).

Additional attendees: Forest Hillyard (ASA-Washington) and Kelly Green (Enterprise Rent-A-Car).

**Review of July 21, 2005 minutes:** The committee reviewed the minutes of the past meeting. There was a general discussion regarding: The need for EPA to issue a waiver to California before the rule could be enforced. Ecology's intents to move forward with rule adoption, making any needed revision in the effective date and applicable model year vehicles, as needed, due to the outcome of California's and Oregon's rulemaking efforts.

**Review draft rule:** Bob Saunders led the committee through a section-by-section review and discussion of the draft rule. These discussion and subsequent discussions with committee members resulted in changes in the proposed rule. The proposed rule and a summary of the changes were later provided the committee.

Discussions and changes not reflected in the Summary of Changes include:

**173-423-030 Incorporation by reference.** Ecology has placed a link to the California rules on Ecology's website and plans to updates the Washington rule when needed to ensure there are not different legal requirement for vehicles being delivered for sale in Washington and California.

**173-423-040 Definitions and abbreviations.** Ecology included a statement that the definitions in the rule and those included by reference only apply for purpose of this chapter. This statement is needed because some definitions in Washington law and Department of Licensing rules differ from the California rules. This may result in differing definitions applying when determining fees or other matters and when applying California emission certification requirement. To avoid the confusion and errors, these differences will have to be carefully considered when informing the licensing agents and the public.

**173-423-060 Exemptions.** Ecology will work with the Department of Licensing on how to monitor the use of exemptions to detect improper use. Procedures and training for licensing agents will need to take place before the sale of 2009 model year vehicles.

Additional work is expected to be needed in developing workable exemptions to handle legitimate concerns without establishing possible loopholes that could be used to avoid compliance. At this time it is unclear as to what the extent the details of the licensing requirements and procedures for the exemptions should be included in Ecology rules. HB 1397 Section (7) includes "The department of licensing, in consultation with the department of ecology, may adopt rules necessary to implement this section and may provide for reasonable exemptions to these requirements."